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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## Certification under 37 CFR 1.10 (if applicable)

I hereby certify that this application is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service Mail Label No. **EM601457575US** under 37 CFR §1.10 on the date indicated below and is addressed to: Assistant Commissioner for Patents, Attn: Box Patent Application, Washington, D.C. 20231.

Thomas Fitting  
Thomas Fitting, Reg. No. 34,163

May 6, 1997  
Date of Deposit

## Anticipated Classification of this Application:

Class \_\_\_\_\_ Subclass \_\_\_\_\_

## Prior Application:

Examiner S. Priebe  
Art Unit 1805

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231  
**ATTN: BOX PATENT APPLICATION**

Sir:

FILING UNDER 37 CFR 1.60 WITHOUT  
ABANDONMENT OF THE PENDING PRIOR APPLICATION

This is a request for filing a \_\_\_\_\_ continuation, X divisional, patent application under 37 CFR 1.60 of pending prior application Serial No. 08/286,888 filed on August 5, 1994 for LAMBOID BACTERIOPHAGE VECTORS FOR EXPRESSION OF FOREIGN PROTEINS and which is not being abandoned at this time.

1. X Enclosed is a true copy of the above-identified prior complete application, including the specification (including the claim or claims), the drawings (if the prior application included drawings), the signed oath or declaration, and any amendments referred to in the oath or declaration filed to complete the prior application. I hereby verify that these enclosed papers are a true copy of what is shown in my records to be the above-identified prior application and that no amendments referred to in any oath or declaration that may have been filed to complete the prior application introduced new matter therein.
2. X The filing fee is calculated below on the basis of the claims existing in the prior application and, if applicable, as amended at Item 5 below to the extent that the amendments reduce the number of claims.

FOR	NO. FILED	NO. EXTRA	RATE	CALCULATIONS
TOTAL CLAIMS	29-20 =	9	x \$22.00=	\$ 198.00
INDEPEN. CLAIMS	7-3 =	4	x \$80.00=	160.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)	0		+ \$260.00=	0
BASIC FEE				+ \$1128.00
Total of Above Calculations				= \$1128.00
Reduction by ½ for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28). If applicable, verified statement must be attached.				
TOTAL				= \$1128.00

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## 3. Method of Payment of Fees

- a. X Enclosed is a check in the amount of \$ 1,128.00
- b.      Charge Deposit Account No. 19-0962 in the amount of \$           . A duplicate of this request is attached.

## 4. Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge the following additional fees which may be required to Deposit Account No. 19-0962.

- a. X 37 CFR 1.16 (filing fees and fees for presentation of extra claims).
- b. X 37 CFR 1.17 (application processing fees).
- c.      37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b)).

## 5. Amendment

It is understood that only amendments reducing the number of claims or adding a reference to the prior application under 37 CFR 1.78(a) will be entered before calculating the filing fee and granting the filing date.

- a. X Amend the specification by inserting before the first line of the sentence:

This is a      continuation, X divisional, of application Serial No. 08/286,888, filed August 5, 1994, whose disclosures are incorporated herein by reference.

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- b. ☐ Cancel in this application original claims ☐ inclusive, of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
- c. ☐ A preliminary amendment is enclosed.
6. ☒ Xerographic drawings are a part of the enclosed application copy identified in Item 1 above, and the drawings of the prior application are to be transferred.
- a. ☐ New formal drawings are also enclosed.
- b. ☐ New formal drawings are not enclosed at this time.
7. ☒ The above-identified prior application is assigned of record to The Scripps Research Institute.
8. ☒ Power of Attorney
- a. ☒ The power of attorney in the above-identified prior application is to Thomas Fitting, Reg. No. 34,163, and the other attorneys or agents identified in the power in the prior application.
- i. ☐ The power of attorney appears in the original papers in the prior application; a copy of which is enclosed.
- ii. ☒ The power of attorney does not appear in the original papers of the prior application, and a copy of the power in the prior application is enclosed.
- b. ☐ A new power of attorney has been executed and is attached.

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9. ☐ Priority of application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_ is claimed under 35 U.S.C. 119.
10. ☐ The certified copy of the priority application Serial No. \_\_\_\_\_ identified in Item 9 above has been filed in above-identified prior application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_.
11. ☐ Enclosed is a copy of the verified statement(s) supporting a claim for, and/or claiming, small entity status under 37 CFR 1.9 and 37 CFR 1.27 as filed in the above-identified prior application under 37 CFR 1.28(a), and such small entity status is claimed in this application.
12. ☐ An original executed verified statement(s) supporting a claim for, and/or claiming, small entity status under 37 CFR 1.9 and 37 CFR 1.27 is enclosed.
13. ☐ A petition, fee, and response has been filed to extend the term in the pending prior application until \_\_\_\_\_.
14. ☒ Please transfer to this application, in accordance with 37 CFR 1.821(e), the computer readable copy(ies) from applicant's other application Serial No. 08/286,888, filed August 5, 1994.

All papers accompanying this submission, or for which a request for transfer from applicants' other application, introduce no new matter.

0852020-050697

Address all future communications to:

THE SCRIPPS RESEARCH INSTITUTE  
10550 North Torrey Pines Road  
Mail Drop TPC 8  
La Jolla, California 92037  
(619) 784-2937

The undersigned declares further that all statements made herein of his or her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

May 6, 1997

Date

Thomas Fitting

Signature

Thomas Fitting

Printed Name

X Attorney or agent of record

     Filed under Rule 34(a)

Registration No. of Signator: 34,163

Correspondence Address of Signator:

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10550 North Torrey Pines Road  
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Telephone Number of Signator: (619) 784-2937